

REMARKS

I. Status of the Claims

Claims 3-7 are pending in this application. The paragraph starting on line 19 of page 2 of the specification has been amended to correct minor errors. Claims 1-2 have been withdrawn from consideration. These amendments raise no issue of new matter and Applicants respectfully request their entry.

II. Double Patenting Rejection

Claims 3-7 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,463,790 ("the '790 patent"). Office Action at page 2. According to the Examiner, the claims of the present invention and the '790 patent "are not patentably distinct from each other because both measure membrane fouling of a membrane. *Id.* While Applicants do not agree with the Examiner, in order to advance prosecution of this application, Applicants have filed herewith a Terminal Disclaimer over U.S. Patent No. 6,463,790. Accordingly, Applicants respectfully submit that this ground for rejection should be withdrawn.

III. Rejections Under 35 U.S.C. § 112

Claims 1-3 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Office Action at page 3. Specifically the Examiner alleges that "claim 1 refers to internal and external electrodes installed respectively on an upper and lower region on a cylindrical or round membrane. If the

fiber is used then there is not an upper and lower region on a cylindrical or round membrane.” *Id.* The Examiner also maintains that it “is unclear and indefinite to claim an electrode near a membrane pore, because a membrane has more than one pore. The way the claim is worded it limits the membrane to only 4 pores, 2 at the inlet and 2 at the outlet.” *Id.*

As an initial matter, Applicant respectfully submits that claims 1 and 2 have been cancelled and thus, have been improperly rejected. With regards to the rejection of claim 3, Applicants submits the rejection has been rendered moot by the foregoing amendment to claim 3.

Accordingly, Applicant requests that this ground for rejection be withdrawn.

III. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. If the Examiner believes a telephone call could be useful in resolving any outstanding issues, she is invited to contact Applicants’ undersigned counsel at 202-408-4388.

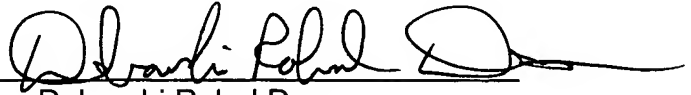
Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 06-0916.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: March 1, 2005

By: 
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